

REMARKS

During the telephone interview on 29 July 2008, the applicant's representative pointed out that The device of the present invention has a single piece, unitary structure as compared to the two-piece structure of the device of *Gipson*. The title and abstract of *Gipson* state "two-piece garment".

In the Office Action of July 25, 2008, all of the claims were rejected as being unpatentable over *Gipson* for the reasons set forth.

Claims 1-7 have been canceled herein and new claim 8 is now pending.

New claim 8 recites a unitary device as compared to the two-piece construction of the device of *Gipson*. The present invention has a single pad attached to the back border with the semi-belts also attached to the back border as shown in FIGS. 1-4.

The pad of the present invention is disposed in contact with the skin of the wearer with the belt (semi-belts) exteriorly of the pad (FIGS. 1-4 and paragraph 0030 of US2006/0167433A). The belt of *Gipson* has a belt with indicia (36) for locating the attachment of the disposable assembly.

Depending upon the indicia required for the particular wearer, a portion of the belt will extend above the disposable assembly (FIGS. 2-3) and be in contact with the wearer.

The semi-belts of the device of the present application are nested with respect to one another and are unfolded as shown in FIGS. 1-3 and 5-7 and discussed in paragraphs [0012], [00019]-[0021], [0030] and [0033] of US2006/0167433A. The belt of *Gipson* is a single piece item with no folded or nested portions (FIGS. 1-3).

It is submitted that new claim 8 recites structure which is not taught or disclosed by the cited reference and allowance of new claim 8 is respectfully requested.

It appears that all matters have been addressed satisfactorily, and that the case is now in condition for a complete allowance; and the same is respectfully urged.

However, if the Examiner has any comments or questions, or has any suggestions as per MPEP 707.07 (d) and (j), for putting the case in condition for final allowance, he is respectfully urged to contact the undersigned attorney-of-record at the telephone number below, so that an expeditious resolution may be effected and the case passed to issue promptly.

Respectfully submitted,

Date Sep 2, 2008



Robert M. Gamson
Reg. No. 32,986
Attorney for Applicant

CERTIFICATE OF TRANSMITTAL

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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By: Carolyn H. Bates
Carolyn H. Bates

HODES, PESSIN & KATZ, P.A.
Department of Intellectual Property
901 Dulaney Valley Road, Suite 400
Towson, MD 21204
Phone: 410-769-6145
Fax: 410-832-5637
E-Mail: rgamson@hpklegal.com

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